

Calendar No. 330

112TH CONGRESS }
2d Session }

SENATE

{ REPORT
112-151

THE NORTHWEST STRAITS MARINE CON-
SERVATION INITIATIVE REAUTHORIZA-
TION ACT OF 2011

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 962



FEBRUARY 27, 2012.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

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THE NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE REAUTHORIZATION ACT OF 2011

FEBRUARY 27, 2012.—Ordered to be printed

Mr. ROCKEFELLER, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 962]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 962) to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 962, the Northwest Straits Marine Conservation Initiative Reauthorization Act of 2011, is to reauthorize the Northwest Straits Marine Conservation Initiative Act to protect the resources of the Northwest Straits (NWS).

BACKGROUND AND NEEDS

Congress authorized the Northwest Straits Marine Conservation Initiative (112 Stat. 3458) (Initiative) in 1998 to coordinate Federal, State, and local marine resource protection and restoration activities in the NWS. The NWS region includes the U.S. marine waters of the Strait of Juan de Fuca, the San Juan Islands, and northern Puget Sound reaching from the southern borders of Snohomish and Jefferson counties (in the State of Washington) to the Canadian border. Seven counties, 15 tribes, many cities, and other local governments have jurisdiction in the region, and the region is home to 1.16 million people. Iconic species like Pacific salmon, Puget Sound southern resident orca, western grebe, and rockfish

all depend on a healthy NWS ecosystem as does the State's fishing and wildlife viewing industry. Damage to shoreline habitat, disturbed ecological processes, and impaired water quality are harming the marine ecosystem, and the area is experiencing declines in highly valued marine species.

The Initiative established the Northwest Straits Commission (Commission). The Commission consists of five gubernatorial representatives, one tribal representative appointed by the Secretary of the Interior, and one representative from each of the Marine Resource Committees (MRCs). At the core of the Initiative are seven locally-based MRCs created in each of the NWS counties: Clallam, Island, Jefferson, San Juan, Skagit, Snohomish, and Whatcom. The Commission and the MRCs bring local, tribal, State, community, organizational, and citizen interests together to protect and restore the marine environment. Each MRC is citizen-based and created by county ordinance. The members of each MRC are appointed by their county commission or council. Each MRC includes representatives from commercial, recreational, scientific, educational, and environmental interests, as well as local and tribal governments. The MRC members set priorities and design marine restoration and protection projects, provide stewardship information to local residents, and work in cooperation with the local elected officials. MRCs receive funds and support from the Commission to carry out programs that meet the Initiative's benchmarks. MRCs use existing State and local authorities, and base their actions on sound scientific information and the overall needs of the ecosystem.

MRCs coordinate their activities through the Commission, which provides technical assistance, integrates scientific information, develops ecosystem-level coordination, and coordinates funding. Five performance benchmarks help partners guide project development and evaluate the Initiative's progress. These benchmarks are: (1) protect and restore marine, coastal, and nearshore habitats, prevent loss, and achieve a net gain of healthy habitat areas; (2) protect and restore marine populations to healthy, sustainable levels; (3) protect marine water quality of the NWS region, and restore the health of marine waters; (4) collect high quality data and promote its use and dissemination; and (5) promote stewardship and understanding of NWS marine resources through education and outreach. In addition to the Commission and MRCs, the Initiative is supported by the Northwest Straits Foundation, a non-profit organization established to leverage additional funds for the Initiative's scientific, restoration, and education projects.

Congress mandated a program review, and in 2004, an evaluation panel of national experts recommended continued Federal authorization and expanded support for the Initiative.

SUMMARY OF PROVISIONS

S. 962 would reauthorize the Initiative. The Commission would be composed of up to 14 members, each appointed to represent the diversity of local and Federal interests in the Initiative. The Commission would select a Chairperson from among its members. An employee of the National Oceanic and Atmospheric Administration (NOAA) would serve as liaison to the Commission.

The goal of the Commission would be to protect and restore the marine waters, habitats, and species of the NWS region to achieve

ecosystem health and sustainable resource use by designing and initiating projects, building stewardship, and expanding partnerships. The duties of the Commission would include such actions as: monitoring ecosystem health; identifying adverse factors affecting restoration and health; developing scientifically sound restoration and protection recommendations; and serving as a public forum and facilitator for local concerns, issues, and solutions with the aim of restoration and protection of the marine resources in the area. The Commission would be directed to prepare an annual report to the Committee on Commerce, Science, and Transportation in the Senate and the Committee on Energy and Commerce of the House of Representatives describing the activities completed during the previous year and the progress made in achieving the Commission's protection and restoration benchmarks and goals.

S. 962 would provide for the hiring of a director for the Commission (and the provision of staff) to enable the Commission to perform its duties. It would also authorize the government of each of the seven counties in the NWS region to establish an MRC. Each MRC would address issues affecting the marine ecosystems within its county with the support of the local government. Membership in each MRC would include members with relevant scientific expertise and representatives of all the different stakeholder groups. Each MRC would select a chairperson from among its members, and this position would be rotating. It also directs the MRCs to work to fulfill the goals and duties of the Commission, to work on a local level to coordinate marine conservation and restoration initiatives, and to educate the public about the connection between healthy marine habitats, harvestable resources, and human activities.

LEGISLATIVE HISTORY

S. 962 was introduced by Senator Murray on May 12, 2011. Senator Cantwell is a cosponsor of the legislation. The Committee ordered the bill to be reported without amendment favorably at its Executive Session on June 8, 2011. In the 111th Congress, the Committee reported favorably S. 668, a bill identical to S. 962 except for the dates of authorization, on July 8, 2009.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 962—Northwest Straits Marine Conservation Initiative Reauthorization Act of 2011

S. 962 would reauthorize the Northwest Straits Marine Conservation Initiative Act and codify aspects of the initiative, including the composition and goals of the Northwest Straits Advisory Commission. The bill also would require the commission to submit an annual report to the Congress regarding its activities. Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 962 would cost approximately \$2 million a year over the

2012–2016 period. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The Northwest Straits Initiative is an intergovernmental partnership that restores and protects marine resources along the northwest coast of Washington state. The initiative is led by the Northwest Straits Advisory Commission, composed of federal, state, and county representatives; the commission provides resources and support to county governments working to achieve the goals of the Northwest Straits Initiative.

Authorization for the Northwest Straits Initiative expired in 2004. In recent years, the initiative has received appropriations ranging from \$1 million to \$2 million annually.

S. 962 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contacts for this estimate are Dubary Brea and Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

The reported bill would not authorize any new regulations, and therefore will not subject any individuals or businesses to new regulations.

ECONOMIC IMPACT

The bill, as reported, would have a modest positive economic impact through improved resource management that would support Washington's fishing and wildlife viewing industries.

PRIVACY

The reported bill would have little, if any, impact on the personal privacy of U.S. citizens.

PAPERWORK

The reported bill would not increase paperwork requirements for the private sector. NOAA paperwork requirements would likely increase slightly as a result of the enhanced authorities and rule-making and reporting requirements provided in the bill.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.

This section would provide that the legislation be cited as the “Northwest Straits Marine Conservation Initiative Reauthorization Act of 2011”.

Section 2. Reauthorization of Northwest Straits Marine Conservation Initiative Act.

This section would amend the Northwest Straits Marine Conservation Initiative Act (112 Stat. 3458) by striking sections 403 through 405 of the current Act, inserting new language to those sections, and creating new sections 406 through 410 as follows:

Section 403. Findings.

This section would identify key findings of the bill concerning the Initiative and the marine waters and ecosystem of the NWS.

Section 404. Definitions.

This section would define the terms “Commission”, “Indian tribe”, and “Northwest Straits”.

Section 405. Membership of the Commission.

This section would set forth requirements concerning the membership of the Commission. The Commission would be composed of up to 14 members. One member would be appointed by members of the MRC established under section 408, two members would be appointed by the Secretary of the Interior, and one member would be appointed by the Governor of the State of Washington to represent the interests of the Puget Sound Partnership. The Governor would also appoint four other members who would be residents of the State of Washington and not employed by a Federal, State, or local government. The section would also set forth requirements concerning the filling of Commission vacancies and the selection of the Chairperson of the Commission. Additionally, the section would require the Commission to meet at the call of the Chairperson (though not less frequently than quarterly) and require the Secretary of Commerce to appoint a liaison to the Commission from NOAA.

Section 406. Goal and Duties of the Commission.

This section would define the goal and duties of the Commission. The goal of the Commission would be to protect and restore the marine waters, habitats, and species of the NWS region to achieve ecosystem health and sustainable resource use through project design and initiation. The duties of the Commission would include such actions as monitoring ecosystem health; identifying adverse factors affecting restoration and health; developing scientifically sound restoration and protection recommendations; and serving as a public forum and facilitator for local concerns, issues, and solutions with the aim of restoring and protecting the marine resources in the area. The Commission would prepare an annual report describing the activities completed during the previous year and the progress made in achieving the Commission’s protection and restoration benchmarks and goals.

Section 407. Commission Personnel and Administrative Matters.

This section would provide for the appointment of Commission personnel and other administrative matters. It would establish the Director of the Commission as a paid position with the responsibility to hire such personnel as appropriate to enable the Commission to perform its duties. The Commission would be required to use the administrative services of the State of Washington Department of Ecology and Padilla Bay National Estuarine Research Reserve for employment, procurement, grant and fiscal management, and support services necessary to carry out the duties of the Commission if consent is given by the Governor of the State of Washington.

Section 408. Marine Resources Committees.

This section would allow the governments of each of the seven counties in the NWS region to establish a MRC. Each MRC would address issues affecting the marine ecosystems within its county with the support of the local government. Each MRC would include persons with relevant scientific expertise and representatives of all appropriate stakeholder groups, including one member from each Indian tribe with fishing rights in the waters of such county or reservation lands in such county. Each MRC would select a chairperson from among its members, which would be a rotating position. MRCs would work to fulfill the goal and duties of the Commission, to coordinate local marine conservation and restoration initiatives, and to educate the public about the connection between healthy marine habitats, harvestable resources, and human activities.

Section 409. Northwest Straits Marine Conservation Foundation.

This section would permit the Director of the Commission and the Director of the Padilla Bay National Estuarine Research Reserve to establish a nonprofit foundation to support the Commission and the MRCs in carrying out their duties.

Section 410. Authorization of Appropriations.

This section would authorize to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out the provisions of the Northwest Straits Marine Conservation Initiative Act.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE ACT

[Title IV of Public Law 105-384; 112 Stat. 3458]

SEC. 402. ESTABLISHMENT.

There is established a commission to be known as the Northwest Straits Advisory [Commission (in this title referred to as the “Commission”).] *Commission*.

[SEC. 403. ORGANIZATION AND OPERATION.

[The Commission shall be organized and operated in accordance with the provisions of the Northwest Straits Citizen’s Advisory Commission Report of August 20, 1998, on file with the Secretary of Commerce (in this title referred to as the “Report”).]

[SEC. 404. FUNDING.

[(a) IN GENERAL.—The Secretary of Commerce may, from amounts available to the Secretary to carry out the work of the Commission, provide assistance for use in accordance with the Report and the priorities of the Commission—

[(1) to collect marine resources data in the Northwest Straits;

[(2) to coordinate Federal, State, and local marine resources protection and restoration activities in the Northwest Straits; and

[(3) to carry out other activities identified in the Report as important to the protection and restoration of marine resources in the Northwest Straits.

[(b) PROVISION.—The Secretary may provide the assistance authorized by subsection (a) through the Director of the Padilla Bay National Estuarine Research Reserve, unless the Governor of the State of Washington objects. If the Governor objects, then the Secretary may provide the assistance through the Administrator of the National Oceanic and Atmospheric Administration.

[SEC. 405. LIMITATION.

[Nothing in this title provides the Commission with the authority to implement any Federal law or regulation.]

SEC. 403. FINDINGS.

Congress makes the following findings:

(1) *The marine waters and ecosystem of the Northwest Straits in Puget Sound in the State of Washington represent a unique resource of enormous environmental and economic value to the people of the United States.*

(2) *During the 20th century, the environmental health of the Northwest Straits declined dramatically as indicated by impaired water quality, declines in marine wildlife, collapse of harvestable marine species, loss of critical marine habitats, ocean acidification, and sea level rise.*

(3) *At the start of the 21st century, the Northwest Straits have been threatened by sea level rise, ocean acidification, and other effects of climate change.*

(4) *This Act was enacted to tap the unprecedented level of citizen stewardship demonstrated in the Northwest Straits and create a mechanism to mobilize public support and raise capac-*

ity for local efforts to protect and restore the ecosystem of the Northwest Straits.

(5) *The Northwest Straits Marine Conservation Initiative helps the National Oceanic and Atmospheric Administration and other Federal agencies with their marine missions by fostering local interest in marine issues and involving diverse groups of citizens.*

(6) *The Northwest Straits Marine Conservation Initiative shares many of the same goals with the National Oceanic and Atmospheric Administration, including fostering citizen stewardship of marine resources, general ecosystem management, and protecting federally managed marine species.*

(7) *Ocean literacy and identification and removal of marine debris projects are examples of on-going partnerships between the Northwest Straits Marine Conservation Initiative and the National Oceanic and Atmospheric Administration.*

SEC. 404. DEFINITIONS.

In this title:

(1) **COMMISSION.**—*The term “Commission” means the Northwest Straits Advisory Commission established by section 402.*

(2) **INDIAN TRIBE.**—*The term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).*

(3) **NORTHWEST STRAITS.**—*The term “Northwest Straits” means the marine waters of the Strait of Juan de Fuca and of Puget Sound from the Canadian border to the south end of Snohomish County.*

SEC. 405. MEMBERSHIP OF THE COMMISSION.

(a) **COMPOSITION.**—*The Commission shall be composed of up to 14 members who shall be appointed as follows:*

(1) *One member appointed by a consensus of the members of a marine resources committee established under section 408 for each of the following counties of the State of Washington:*

- (A) *San Juan County.*
- (B) *Island County.*
- (C) *Skagit County.*
- (D) *Whatcom County.*
- (E) *Snohomish County.*
- (F) *Clallam County.*
- (G) *Jefferson County.*

(2) *Two members appointed by the Secretary of the Interior in trust capacity and in consultation with the Northwest Indian Fisheries Commission or the Indian tribes affected by this title collectively, as the Secretary of the Interior considers appropriate, to represent the interests of such tribes.*

(3) *One member appointed by the Governor of the State of Washington to represent the interests of the Puget Sound Partnership.*

(4) *Four members appointed by the Governor of the State of Washington who—*

- (A) *are residents of the State of Washington; and*
- (B) *are not employed by a Federal, State, or local government.*

(b) *VACANCIES.*—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) *CHAIRPERSON.*—The Commission shall select a Chairperson from among its members.

(d) *MEETING.*—The Commission shall meet at the call of the Chairperson, but not less frequently than quarterly.

(e) *LIAISON.*—

(1) *IN GENERAL.*—The Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere and in consultation with the Director of the Commission appointed under section 407(a), appoint an employee of the National Oceanic and Atmospheric Administration—

(A) to serve as a liaison between the Commission and the Department of Commerce; and

(B) to attend meetings and other events of the Commission as a nonvoting participant.

(2) *LIMITATION.*—Service as a member of the Commission by the employee appointed under paragraph (1)—

(A) is limited to the employee's service as a liaison and attendance of meetings and other events as a nonvoting participant; and

(B) does not obligate the employee to perform any duty of the Commission under section 406(b).

SEC. 406. GOAL AND DUTIES OF THE COMMISSION.

(a) *GOAL.*—The goal of the Commission is to protect and restore the marine waters, habitats, and species of the Northwest Straits region to achieve ecosystem health and sustainable resource use by—

(1) designing and initiating projects that are driven by sound science, local priorities, community-based decisions, and the ability to measure results;

(2) building awareness and stewardship and making recommendations to improve the health of the Northwest Straits marine resources;

(3) maintaining and expanding diverse membership and partner organizations;

(4) expanding partnerships with governments of Indian tribes and continuing to foster respect for tribal cultures and treaties; and

(5) recognizing the importance of economic and social benefits that are dependent on marine environments and sustainable marine resources.

(b) *DUTIES.*—The duties of the Commission are the following:

(1) To provide resources and technical support for marine resources committees established under section 408.

(2) To work with such marine resources committees and appropriate entities of Federal and State governments and Indian tribes to develop programs to monitor the overall health of the marine ecosystem of the Northwest Straits.

(3) To identify factors adversely affecting or preventing the restoration of the health of the marine ecosystem and coastal economies of the Northwest Straits.

(4) To develop scientifically sound restoration and protection recommendations, informed by local priorities, that address such factors.

(5) *To assist in facilitating the successful implementation of such recommendations by developing broad support among appropriate authorities, stakeholder groups, and local communities.*

(6) *To develop and implement regional projects based on such recommendations to protect and restore the Northwest Straits ecosystem.*

(7) *To serve as a public forum for the discussion of policies and actions of Federal, State, or local government, an Indian tribe, or the Government of Canada with respect to the marine ecosystem of the Northwest Straits.*

(8) *To inform appropriate authorities and local communities about the marine ecosystem of the Northwest Straits and about issues relating to the marine ecosystem of the Northwest Straits.*

(9) *To consult with all affected Indian tribes in the region of the Northwest Straits to ensure that the work of the Commission does not violate tribal treaty rights.*

(c) **BENCHMARKS.**—*The Commission shall carry out its duties in a manner that promotes the achieving of the benchmarks described in subsection (f)(2).*

(d) **COORDINATION AND COLLABORATION.**—*The Commission shall carry out the duties described in subsection (b) in coordination and collaboration, when appropriate, with Federal, State, and local governments and Indian tribes.*

(e) **REGULATORY AUTHORITY.**—*The Commission shall have no power to issue regulations.*

(f) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—*Each year, the Commission shall prepare, submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Under Secretary for Oceans and Atmosphere, and make available to the public an annual report describing—*

(A) *the activities carried out by the Commission during the preceding year; and*

(B) *the progress of the Commission in achieving the benchmarks described in paragraph (2).*

(2) **BENCHMARKS.**—*The benchmarks described in this paragraph are the following:*

(A) *Protection and restoration of marine, coastal, and nearshore habitats.*

(B) *Prevention of loss and achievement of a net gain of healthy habitat areas.*

(C) *Protection and restoration of marine populations to healthy, sustainable levels.*

(D) *Protection of the marine water quality of the Northwest Straits region and restoration of the health of marine waters.*

(E) *Collection of high-quality data and promotion of the use and dissemination of such data.*

(F) *Promotion of stewardship and understanding of Northwest Straits marine resources through education and outreach.*

SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE MATTERS.

(a) *DIRECTOR.*—The Manager of the Shorelands and Environmental Assistance Program of the Department of Ecology of the State of Washington may, upon the recommendation of the Commission and the Director of the Padilla Bay National Estuarine Research Reserve, appoint and terminate a Director of the Commission. The employment of the Director shall be subject to confirmation by the Commission.

(b) *STAFF.*—The Director may hire such other personnel as may be appropriate to enable the Commission to perform its duties. Such personnel shall be hired through the personnel system of the Department of Ecology of the State of Washington.

(c) *ADMINISTRATIVE SERVICES.*—If the Governor of the State of Washington makes available to the Commission the administrative services of the State of Washington Department of Ecology and Padilla Bay National Estuarine Research Reserve, the Commission shall use such services for employment, procurement, grant and fiscal management, and support services necessary to carry out the duties of the Commission.

SEC. 408. MARINE RESOURCES COMMITTEES.

(a) *IN GENERAL.*—The government of each of the counties referred to in subparagraphs (A) through (G) of section 405(a)(1) may establish a marine resources committee that—

- (1) complies with the requirements of this section; and
- (2) receives from such government the mission, direction, expert assistance, and financial resources necessary—
 - (A) to address issues affecting the marine ecosystems within its county; and
 - (B) to work to achieve the benchmarks described in section 406(f)(2).

(b) *MEMBERSHIP.*—

(1) *IN GENERAL.*—Each marine resources committee established pursuant to this section shall be composed of—

- (A) members with relevant scientific expertise; and
- (B) members that represent balanced representation, including representation of—
 - (i) local governments, including planning staff from counties and cities with marine shorelines;
 - (ii) affected economic interests, such as ports and commercial fishers;
 - (iii) affected recreational interests, such as sport fishers; and
 - (iv) conservation and environmental interests.

(2) *TRIBAL MEMBERS.*—With respect to a county referred to in subparagraph (A) through (G) of section 405(a)(1), each Indian tribe with usual and accustomed fishing rights in the waters of such county and each Indian tribe with reservation lands in such county, may appoint one member to the marine resources committee for such county. Such member may be appointed by the respective tribal authority.

(3) *CHAIRPERSON.*—

(A) *IN GENERAL.*—Each marine resources committee established pursuant to this section shall select a chairperson from among members by a majority vote of the members of the committee.

(B) *ROTATING POSITION.*—Each marine resources committee established pursuant to this section shall select a new chairperson at a frequency determined by the county charter of the marine resources committee to create a diversity of representation in the leadership of the marine resources committee.

(c) *DUTIES.*—The duties of a marine resources committee established pursuant to this section are the following:

(1) *To assist in assessing marine resource problems in concert with governmental agencies, tribes, and other entities.*

(2) *To assist in identifying local implications, needs, and strategies associated with the recovery of Puget Sound salmon and other species in the region of the Northwest Straits listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in coordination with Federal, State, and local governments, Indian tribes, and other entities.*

(3) *To work with other entities to enhance the scientific baseline and monitoring program for the marine environment of the Northwest Straits.*

(4) *To identify local priorities for marine resource conservation and develop new projects to address those needs.*

(5) *To work closely with county leadership to implement local marine conservation and restoration initiatives.*

(6) *To coordinate with the Commission on marine ecosystem objectives.*

(7) *To educate the public and key constituencies regarding the relationship between healthy marine habitats, harvestable resources, and human activities.*

SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION FOUNDATION.

(a) *ESTABLISHMENT.*—The Director of the Commission and the Director of the Padilla Bay National Estuarine Research Reserve may enter into an agreement with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to establish a non-profit foundation to support the Commission and the marine resources committees established under section 408 in carrying out their duties under this Act.

(b) *DESIGNATION.*—The foundation authorized by subsection (a) shall be known as the “Northwest Straits Marine Conservation Foundation”.

(c) *RECEIPT OF GRANTS.*—The Northwest Straits Marine Conservation Foundation may, if eligible, apply for, accept, and use grants awarded by Federal agencies, States, local governments, regional agencies, interstate agencies, corporations, foundations, or other persons to assist the Commission and the marine resources committees in carrying out their duties under this Act.

(d) *TRANSFER OF FUNDS.*—The Northwest Straits Marine Conservation Foundation may transfer funds to the Commission or the marine resources committees to assist them in carrying out their duties under this Act.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the use of the Commission such sums as may be necessary to carry out the provisions of this title.

